

No. 24-6697

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

COURTHOUSE NEWS SERVICE,

Plaintiff-Appellee,

v.

SARA OMUNDSON,

Defendant-Appellant.

Appeal from the United States District Court for the District of Idaho,
Case No. 1:21-CV-00305-DCN, the Honorable David C. Nye, Presiding

EXCERPTS OF RECORD, INDEX VOLUME

Keely E. Duke
Molly E. Mitchell
Duke Evett, PLLC
1087 West River Street, Suite 300,
Boise, ID 83702
Telephone (208) 342-3310
Email: ked@dukeevett.com; mem@dukeevett.com

Attorneys for Appellant Sara Omundson

CNS vs. Omundson

INDEX

<u>DOCUMENT</u>	<u>FILED DATE</u>	<u>USDC DKT NO.</u>	<u>ER NO.</u>
VOLUME 1			
<u>Judgment. United States District Court, for the District of Idaho – David C. Nye</u>	09/30/24	[87]	2
<u>Memorandum Decision and Order. United States District Court, for the District of Idaho – David C. Nye</u>	09/30/24	[86]	3-37
<u>Memorandum Decision and Order. United States District Court, for the District of Idaho – David C. Nye</u>	04/14/22	[40]	38-66
VOLUME 2			
<u>Transcript of Motion Hearing Proceedings. United States District Court, for the District of Idaho</u>	07/10/23	[84]	68-140
<u>Plaintiff Courthouse News Service’s Reply in Support of Motion for Summary Judgment. Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP</u>	02/15/23	[80]	141-164
<u>Reply Memorandum in Support of Sara Omundson’s Motion of Summary Judgment. Sara Omundson/Duke Evett, PLLC</u>	02/15/23	[79]	165-187
<u>Declaration of Sara Omundson in Support of Motion for Summary Judgment. Sara Omundson/Duke Evett, PLLC</u>	02/10/23	[78]	188-200
<u>Declaration of Sara Omundson in Support of Motion for Summary Judgment. Sara Omundson/Duke Evett, PLLC</u>	02/10/23	[78-1]	202-214
<u>Declaration of Jennifer Dvorak. Sara Omundson/Duke Evett, PLLC</u>	02/10/23	[78-2]	215-221
<u>Response of Plaintiff Courthouse News Service to Statement of Undisputed Facts in Support of Sara Omundson’s Motion for Summary Judgment. Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP</u>	01/25/23	[76]	222-246
<u>Memorandum in Opposition to Courthouse News Service’s Motion for Summary Judgment. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75]	247-279
<u>Declaration of Lindsey Bratcher. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-1]	280-282
<u>Supplemental Declaration of Emily Carroll. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-2]	284-289
<u>Declaration of Angie Cooke. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-3]	290-295
<u>Declaration of Michelle Crist-Aguiar. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-4]	296-299
<u>Supplemental Declaration of Roland Gammill. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-5]	300-302

<u>DOCUMENT</u>	<u>FILED DATE</u>	<u>USDC DKT NO.</u>	<u>ER NO.</u>
<u>Supplemental Declaration of Kerry Hong. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-6]	303-308
<u>Declaration of Charlene Krames. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-7]	309-315
<u>Declaration of Mary Prisco. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-8]	316-320
<u>Declaration of Shelly Tilton. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-9]	321-324
<u>Declaration of Keely E. Duke in Opposition to Courthouse News Service's Motion for Summary Judgment. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-10]	325-326
<u>Exhibit A to the Declaration of Keely E. Duke – August 4, 2022, letter to The Honorable John G. Roberts, Jr. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-11]	327-328
<u>Exhibit B to the Declaration of Keely E. Duke – CNS Big Sky Reports, November 16, 2022-January 6, 2023. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-12]	329-362
VOLUME 3			
<u>Exhibit C to the Declaration of Keely E. Duke – Complaints Filed in the AA Fee Category Between January 1, 2021, and July 31, 2022. Sara Omundson/Duke Evett, PLLC</u>	01/25/23	[75-13]	364-523
<u>Plaintiff Courthouse News Service's Opposition to Defendant's Motion for Summary Judgment. Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP</u>	01/25/23	[74]	524-558
<u>Declaration of Katherine Keating in Support of Plaintiff Courthouse News Service's Opposition to Defendant's Motion for Summary Judgment. Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP</u>	01/25/23	[74-1]	559-579
<u>Declaration of Adam Angione in Support of Plaintiff Courthouse News Service's Opposition to Defendant's Motion of Summary for Judgment. Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP</u>	01/25/23	[74-2]	580-589
<u>Appendix – Evidentiary Objections. Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP</u>	01/25/23	[74-3]	590-647
VOLUME 4			
<u>Notice of Errata Regarding Declaration of Jonathan G. Fetterly in Support of Plaintiff Courthouse News Service's Motion for Summary Judgment. Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP</u>	12/19/22	[67]	649-650
<u>Declaration of Jonathan G. Fetterly in Support of Plaintiff Courthouse News Service's Motion for Summary Judgment with exhibits 1-11.</u>	12/15/22	[66]	651-816

<u>DOCUMENT</u>	<u>FILED DATE</u>	<u>USDC DKT NO.</u>	<u>ER NO.</u>
Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP			
<u>MSJ Courthouse New's Service's Fetterly Exhibit 12.</u> Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP	12/15/22	[66-1]	817-889
VOLUME 5			
<u>Courthouse New's Service's Fetterly Exhibits 13-20.</u> Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP	12/15/22	[66-2]	891-988
<u>Declaration of William Girdner in Support of Plaintiff Courthouse News Service's Motion for Summary Judgment with exhibits 16-30.</u> Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP	12/15/22	[65]	989-1122
VOLUME 6			
<u>Declaration of William Girdner in Support of Plaintiff Courthouse News Service's Motion for Summary Judgment with exhibits 1-15.</u> Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP	12/15/22	[64]	1124-1272
<u>Declaration of Amber Dina in Support of Plaintiff Courthouse News Service's Motion for Summary Judgment.</u> Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP	12/15/22	[63]	1273-1277
<u>Declaration of Catherine Valentini in Support of Plaintiff Courthouse News Service's Motion for Summary Judgment.</u> Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP	12/15/22	[62]	1278-1331
<u>Plaintiff Courthouse News Service's Motion for Summary Judgment.</u> Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP	12/15/22	[61]	1332-1333
<u>Memorandum of Law in Support of Plaintiff Courthouse News Service's Motion for Summary Judgment.</u> Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP	12/15/22	[61-1]	1334-1367
<u>Plaintiff Courthouse News Service's Separate Statement of Undisputed Facts in Support of Motion for Summary Judgment.</u> Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP	12/15/22	[61-2]	1368-1384
VOLUME 7			
<u>Declaration of Jimmy Shimabukuro in Support of Plaintiff Courthouse News Service's Motion for Summary Judgment.</u> Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP	12/15/22	[61-3]	1386-1426
<u>Declaration of Adam Angione in Support of Plaintiff Courthouse News Service's Motion for Summary Judgment.</u> Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP	12/15/22	[61-4]	1427-1500

<u>DOCUMENT</u>	<u>FILED DATE</u>	<u>USDC DKT NO.</u>	<u>ER NO.</u>
<u>Sara Omundson's Motion for Summary Judgment. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60]	1501-1504
<u>Statement of Undisputed Facts in Support of Sara Omundson's Motion for Summary Judgment. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-1]	1505-1531
<u>Memorandum in Support of Sara Omundson's Motion for Summary Judgment. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-2]	1532-1561
<u>Declaration of Keely E. Duke in Support of Defendant Sara Omundson's Motion for Summary Judgment. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-3]	1562-1564
<u>Exhibit A to the Declaration of Keely E. Duke – CNS Big Sky Reports, October 08, 2022-October 11, 2022-. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-4]	1565-1572
<u>Exhibit B to the Declaration of Keely E. Duke, Plaintiff's Amended Responses to Defendant's Second Set of Interrogatories First set of Requests for Admissions. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-5]	1573-1619
<u>Exhibit C to the Declaration of Keely E. Duke, Deposition of Sara Omundson. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-6]	1620-1678
VOLUME 8			
<u>Exhibit D to the Declaration of Keely E. Duke, Transcript of Remote Videotaped Deposition of William L. Girdner. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-7]	1680-1797
<u>Exhibit E to the Declaration of Keely E. Duke, Transcript of Remote Videotaped Deposition of Catherine Valenti. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-8]	1798-1876
<u>Exhibit H to the Declaration of Keely E. Duke, Information on Odyssey Portal Data Harvesting 05/03/22. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-11]	1877-1881
<u>Exhibit I to the Declaration of Keely E. Duke, News Report 05/06/22. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-12]	1882-1886
<u>Exhibit J to the Declaration of Keely E. Duke, Deposition of Jennifer Dvorak. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-13]	1887-1950
<u>Exhibit K to the Declaration of Keely E. Duke, CNS Daily Reports Style Manual. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-14]	1951-1975
VOLUME 9			
<u>Exhibit L to the Declaration of Keely E. Duke, Civil Cases Report. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-15]	1977-2050
<u>Exhibit M to the Declaration of Keely E. Duke, Idaho Courts Operations Manual. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-16]	2051-2081

<u>DOCUMENT</u>	<u>FILED DATE</u>	<u>USDC DKT NO.</u>	<u>ER NO.</u>
<u>Exhibit N to the Declaration of Keely E. Duke, Deposition of Carley Nelson. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-17]	2082-2121
<u>Declaration of Emily Carroll. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-18]	2122-2127
VOLUME 10			
<u>Exhibit A to the Declaration of Emily Carroll, Detailed list of court cases 09/10/21-07/28/22. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-19]	2129-2411
VOLUME 11			
<u>Exhibit B to the Declaration of Emily Carroll, Idaho E Filing Review 01/04/21-11/18/22. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-20]	2413-2414
<u>Exhibit C to the Declaration of Emily Carroll, Idaho E Filing Review 11/21/22. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-21]	2415-2416
<u>Exhibit D to the Declaration of Emily Carroll, Idaho E Filing Review 11/21/22. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-22]	2417-2418
<u>Exhibit E to the Declaration of Emily Carrol, Idaho E Filing Review 11/21/22. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-23]	2419-2420
<u>Exhibit F to the Declaration of Emily Carroll, Idaho E Filing Review 11/21/22. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-24]	2421-2422
<u>Exhibit G to the Declaration of Emily Carroll, Idaho E filing Review 11/21/22. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-25]	2423-2424
<u>Declaration of the Honorable Mitchell W. Brown. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-26]	2425-2431
<u>Declaration of the Honorable Eric Wildman. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-27]	2432-2437
<u>Declaration of the Honorable Cynthia Meyer. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-28]	2438-2443
<u>Declaration of the Honorable Davis Vandervelde. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-29]	2444-2448
<u>Declaration of the Honorable Dane Watkins. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-30]	2449-2455
<u>Declaration of the Honorable Rick Carnaroli. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-31]	2456-2462
<u>Declaration of the Honorable Jay Gaskill. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-32]	2463-2467
<u>Declaration of Sharee Sprague. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-33]	2468-2473
<u>Declaration of Roland Gammill. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-34]	2474-2479
<u>Declaration of Sandra Barrios. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-35]	2480-2487

<u>DOCUMENT</u>	<u>FILED DATE</u>	<u>USDC DKT NO.</u>	<u>ER NO.</u>
<u>Declaration of Karlene Behringer. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-36]	2488-2493
<u>Declaration of Kerry Hong. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-37]	2494-2501
<u>Declaration of Jamie Robb. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-38]	2502-2507
<u>Declaration of Shelli Tubbs. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-39]	2508-2513
<u>Declaration of Tammie Whyte. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-40]	2514-2520
<u>Declaration of Angie Wood. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[60-41]	2521-2524
<u>Declaration of Terry Derrick. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[59-2]	2425-2529
<u>Exhibit F, Deposition of Terry Derrick Vol 2. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[59-5]	2530-2578
<u>Exhibit G, Deposition of Terry Derrick Vol 1. Sara Omundson/Duke Evett, PLLC</u>	12/15/22	[59-6]	2579-2583
<u>Answer to Complaint and Demand for Jury Trial. Sara Omundson/Duke Evett, PLLC</u>	06/07/22	[45]	2584-2595
<u>US District Judge Minute Entry. United States District Court, for the District of Idaho</u>	02/18/22	[34]	2596-2669
<u>Transcription of Motion Hearing Proceedings. United States District Court, for the District of Idaho</u>	02/18/22	[34]	2670
<u>Courthouse News Services Second Notice of Supplemental Authority in Opposition to Defendant's Motion to Dismiss and in Support of Courthouse News Service's Motion for Preliminary Injunction. Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP</u>	02/15/22	[32]	2671-2672
<u>Response to Notice of Supplemental Authority Regarding Defendant Sara Omundson's Motion to Dismiss. Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP</u>	02/11/22	[30]	2673-2675
<u>Notice of Supplemental Support Regarding Defendant Sara Omundson's Motion to Dismissal. Sara Omundson/Duke Evett, PLLC</u>	02/10/22	[28]	2676-2679
VOLUME 12			
<u>Brief of Amicus Curiae Conference of Chief Justices in Support of Appellees. United States Court of Appeals for the First Circuit</u>	02/04/22	[28-1]	2681-2717
<u>Notice of Errata RE: Materials Submitted in Support of Defendant Sara Omundson's Opposition to Motion for Preliminary Injunction. Sara Omundson/Duke Evett, PLLC</u>	01/13/22	[23]	2718-2720

<u>DOCUMENT</u>	<u>FILED DATE</u>	<u>USDC DKT NO.</u>	<u>ER NO.</u>
<u>Declaration of Marissa Garza in Support of Response in Opposition to Motion for Preliminary Injunction. Sara Omundson/Duke Evett, PLLC</u>	01/13/22	[23-1]	2721-2725
<u>Notice of Supplemental Authority in Opposition to Defendant's Motion to Dismiss. Courthouse News Service/Bryan Cave Leighton Paisner, LLP</u>	12/29/21	[21]	2726-2728
<u>Reply in Support of Defendant Sara Omundson's Motion to Dismiss Pursuant to FRCP 12(b)(6). Sara Omundson/Duke Evett, PLLC</u>	10/22/21	[12]	2729-2738
<u>Opposition of Plaintiff Courthouse News Service to Defendant Sara Omundson's Motion to Dismiss Pursuant to FRCP 12(b)(6). Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP</u>	10/08/21	[11]	2739-2760
<u>Defendant Sara Omundson's Motion to Dismiss Pursuant to FRCP 12(b)(6). Sara Omundson/Duke Evett, PLLC</u>	09/10/21	[7]	2761-2762
<u>Memorandum in Support of Defendant Sara Omundson's Motion to Dismiss Pursuant to FRCP 12(b)(6). Sara Omundson/Duke Evett, PLLC</u>	09/10/21	[7-1]	2763-2771
<u>Complaint. Courthouse News Service/Givens Pursley, LLP; Bryan Cave Leighton Paisner, LLP</u>	07/23/21	[1]	2772-2831
<u>Notice of Appeal. Sara Omundson/Duke Evett, PLLC</u>	10/29/24	[90]	2832-2834
<u>Docket Sheet</u>	07/23/21- 09/30/24		2835-2846